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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,192	12/20/2001	Yehiel Gotkis	LAM2P314	5398

25920 7590 07/16/2003

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EXAMINER

MACARTHUR, SYLVIA

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,192

Applicant(s)

GOTKIS ET AL.

Examiner

Sylvia R MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 3 recites the limitation "polishing pad" in line 2. There is insufficient antecedent basis for this limitation in the claim. *Perhaps applicant is referring to "polishing membrane".*

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,6, 7, 10-12, 14, 15, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Boehm et al (US 6,358,118).

Regarding claims 1 and 10: Boehm et al teaches an apparatus for CMP comprising at least one frame (rollers 8), a polishing membrane (polishing pad 10) attached to the at least one frame see Figs. 1 and 2, and a pad support (bladder 12) which is disposed below the polishing membrane. Regarding the pad support's capability of differentially flexing the polishing membrane, the prior art by Boehm et al is based on this concept see the abstract. The rollers are driven in rotating by a motor.

Regarding claims 2, 11, 12, and 17: The frame (rollers) have a round shape (cross section) and have an overall cylindrical shape.

Regarding claims 6 and 14: The pad support is in contact with the polishing membrane, Figs. 1 and 2.

Regarding claims 7, 15, and 19: The pad support includes mechanical elements (flux guides) capable of differentially flexing the polishing membrane during a CMP process.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3-5, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al in view of Boyd et al (US 6,475,332).

The teachings of Boehm were discussed above.

Boehm fails to teach the pad support providing non-contact reactive force to the polishing membrane.

Boyd teaches an air bearing sitting between the frame (drums 102) and the polishing membrane (belt 106). See col. 4 lines 15-24.

The use of air bearings to provide a cushion between two surfaces is widely known in the art as evidenced by Boyd.

Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to provide the apparatus of Boehm with the air bearing of Boyd. Additionally, the motivation to provide the air bearing is that it ensures that the polishing membrane does not touch the frames limiting the amount of slurry that will adhere to the frame, thus decreasing cleanup time and increasing process throughput.

8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al in view of Gotkis et al (US 6,579,157).

The teachings of Boehm were discussed above.

Boehm fails to teach a conditioner element.

Gotkis teaches a conditioner element (conditioning disk 522).

The motivation to provide a conditioner element in the apparatus of Boehm is provide a method and apparatus for smoothing a polishing membrane.

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Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to provide the apparatus of Boehm with a conditioning element as taught by Gotkis.

Allowable Subject Matter

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach or fairly suggest a conditioner pad support.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R MacArthur whose telephone number is 703-306-5690.

The examiner can normally be reached on M-F during the core hours of 8 a.m. and 2 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Mills can be reached on 703-308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9630 for regular communications and 703-872-9630 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Sylvia R MacArthur
Patent Examiner
Art Unit 1763


July 14, 2003